6487891/2022/TAPPAL-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - YSR Kadapa District - Sri K.V.Sivaramaiah, former Tahsildar, B.Mattam Mandal, YSR Kadapa District - Violation of APCS (Conduct) Rules, 1964 - Departmental proceedings under rule 20 of A.P.C.S. (CC & A) Rules, 1991 r/w Rule 9 of A.P.R.P.Rules, 1980 - Articles of charges - Issued.

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REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No.790 Dated:26.09.2022.

Read the following:-

1. From the CCLA, Lr.No.V.S-II(1)/337/2022-1, Dt:14.05.2022
2. G.O.Ms.No.647, Revenue (Vig.III) Department, Dt:26.09.2022.

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ORDER:

In pursuance of the sanction accorded in the reference 2nd read above, it is proposed to hold an enquiry against Sri K.V.Sivaramaiah, former Tahsildar, B.Mattam Mandal, YSR Kadapa District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure–I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure - III & IV).

3. Sri K.V.Sivaramaiah, Tahsildar (Retd) is directed to submit, within 10 days of the receipt of this order, a written statement of his defense.

4. Sri K.V.Sivaramaiah, Tahsildar (Retd) is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charge.

5. Sri K.V.Sivaramaiah, Tahsildar (Retd) is further informed that if he does not submit his written statement of defense on or before the date specified in Para–3 above, further action will be processed based on the material available.

6. Attention of Sri K.V.Sivaramaiah, former Tahsildar, B.Mattam Mandal, YSR Kadapa District is invited to Rule 24 of A.P.C.S (Conduct) Rules 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri K.V.Sivaramaiah, former Tahsildar, B.Mattam Mandal, YSR Kadapa District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
Sri K.V.Sivaramaiah, former Tahsildar, B.Mattam Mandal, YSR Kadapa District (Retd)
(*through* the Chief Commissioner of Land Administration, A.P, Mangalagiri).
The Chief Commissioner of Land Administration, A.P, Mangalagiri.

Copy to :
The Collector & District Magistrate, YSR Kadapa District.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

Article of Charge framed against Sri K.V. Sivaramaiah, former Tahsildar, B.Mattam Mandal, YSR District (Retd)

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Article of Charge -I :

That while functioning as Tahsildar, B.Mattam Mandal, YSR District, Kadapa, for the period from 18.05.2007 to 31.10.2008, Sri K.V.sivaramaiah granted assignments and issued DKT pattas to the following ineligible persons irregularly in respect of the land in Sy.No.749 extent 282.77 Acres of Rekulakunta Villlage of B.Mattam Mandal, which is classified as Hill Poromboke, later which was splitted as Survey No.836 to 840 and survey No.848 to 867, as per his whims and fancies without following due procedure, without verifying the eligibility and without verifying the revenue records, with a malafide intention for his pecuniary gains.

Sl.No	Name of Pattadar	Sy.No	Extent (in Acs.)	DKT No.	1B Khata No.	Irregularities notied
1	Isukala Sharmila W/o I.Chandra Sekhar	864/1 864/2 864/6	1.18 1.00 1.26		364	Sri Isukala Ravichandra Sekhar S/o Abraham (husband of alleged DKT holder) working as ADE, APSPDCL, Kadapa. Therefore, as per Land Acquisition Act 1894, LARR Act 2013 or any such law of land, the said family does not come under the displaced persons. Therefore, Smt. Isukala Sharmila W/o Isukala Ravichandra Sekhar is not a landless poor person & does not come under BPL category but, got managed the then Tahsildar, B.Mattam and got assigned Government land in her favor.
	Total		**3.44**			
2	Bayanaboina Gurrappa S/o Gurrappa	853/5 865/7 862/9	1.37 1.42 1.50	1484/1417 dated.22.02.2008	826	
3.	Smt. Bayanaboina Nagamma W/o Gurrappa	853/4 865/8 865/9	1.36 1.44 1.43	1447/1417 dated.22.02.2008	792	
4	Perugu Tirumalaiah	865/7 865/8 865/9	1.44 1.42 1.42	2887/1417, dated:02.02.2008	758	On field verification by the Tahsildar, B.Mattam, the land in S.No.865/7, 865/8 and 865/9 extent 1.44, 1.42 and 1.42 is under possession of Perugu Tirumalaiah. There were differences in between assignment committee approval and DKT Patta granted to him.

(Contd....Page.2)

Thus, Sri K.V.Sivaramaiah, formerly Tahsildar, B.Mattam Mandal (Retd) being a responsible Government Servant misused official powers by issuing DKT pattas to the above persons irregularly without following due procedure. The Officer who is supposed to protect the interest of the Government has failed to do so. As such, instead of protecting Government land, the individual has assigned Government land irregularly as per his whims and fancies, which led to Court litigations. The officer caused damage to the decorum of the department and kept the District Administration in embarrassing situation. He failed to discharge his legitimate duties properly and also committed severe irregularities. Thus, he violated Rules 3(1), (2) & (3) of APCS Conduct Rules, 1964.

Article of Charge -II :

That while functioning as Tahsildr, B.Mattam Mandal, YSR District, for the period from 18.05.2007 to 31.10.2008, Sri K.V.Sivaramaiah, who is the custodian of all the Government lands and who is supposed to protect and safeguard the Government land, which is a precious source of all activities, has violated the rules by assigning the Hill Poramboke, which is natural bounty to protect for future generations and the assignment of the same is much against the directions of Hon'ble Supreme Court of India in Civil Appeal No.4787/2001 orders dated 25.07.2001, that the material resources of the community like forests, tanks, ponds, hillocks, mountains, etc., are nature's bounty and they maintain delicate ecological balance and they need to be protected for a proper and healthy environment, which enables people to enjoy a quality life, which is the essence of the guaranteed right under Article 21 of the Constitution. Thus, the individual has shown gross negligence in performing his duties and violated rules 3(1) (2) & (3) of APCS Conduct Rules, 1964.

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

Statement of Imputation of misconduct or misbehavior in support of the Article of Charge framed against Sri K.V. Sivaramaiah, former Tahsildar, B.Mattam Mandal, YSR District (Retd)

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In connection with the complaint No.1598/2017/B1 filed by Sri P. Sudhakar, S/o Veeraiah, resident of Z.Kothapalli Village of B.Mattam Mandal before the Hon'ble Institution of Lokayukta, the Sub Collector, Rajampet in his Ref.No.LRDT/1339/2017 Dated 18.09.2020 has submitted detailed report stating that the main contention of the complaint petition filed by the complainant is that 1. Sri Isukala Ravi Chandra Sekhar S/o Abraham, 2. Smt.Isukala Sharmila W/o Ravi Chandra Sekhar, 3. Sri Bayanaboina Gurrappa S/o Gurrappa, 4.Smt.Bayanaboina Nagamma W/o.Gurrappa, 5. Smt.Bayanaboina Lakshmi Devi W/o.Chinna Gurrappa and 6.Sri Bayanaboina Pedda Subbarayudu S/o Narasimhulu have obtained DKT lands irregularly, manipulated the records by connive with the Tahsildar and his staff, got updated the lands in web land in favor of others, thereby created disputes and as such requested to take necessary action against the persons responsible.

Further, the Sub Collector, Rajampet has reported that on perusal of the complaint, there is another 3 complaints were noticed by him.

1. Sri Isukala Chandra Sekhar has been working as ADE in Electricity Dept., at Kadapa. His wife, Smt.Sharmila has allegedly grabbed temple land of Shivalayam and removed the temple basements with machinery and when the Villagers resisted, she made false complaints against the petitioners and villagers. The petitioners have enclosed the details of salary of Sri I. Chandra Sekhar for necessary action.
2. Sri Bayanaboina Gurappa S/o Gurappa was allegedly granted DKT patta for the land in Sy.No.853/5 and Smt.Bayanaboina Nagamma W/o Gurappa was granted DKT patta for the land in Sy.No.853/4 as per Assignment Committee approval. But, the said lands were at the first instance assigned to one Sri Perugu Thrumalaiah S/o Thirumalaiah and without any notice and orders, these lands were updated in Webland portal in the names of Sri Gurappaand Smt. Nagamma.But,on ground that the lands arealready under the possession and enjoyment of Sri Perugu Thirumalaiah and he possess PPB/TDs as well as obtained Electricity Connection also, latter made complaint.
3. Without inspection of the land, theTahsildar, B.Mattam has granted DKT patta for the Buffer land situated adjacent to the forest land to Bayanaboina Pedda Subbarayudu S/o Narasimhulu.

Further, the Sub Collector, Rajampet has reported as on his verification revealed that the lands under question i.e. Sy.Nos.853/5 and 853/4 were formed from the old Survey No.749 extent 282.77 acres classified as "Hill" as per RSR of Rekalakunta Village of B.Mattam Mandal, later it was divided in 2 phases i.e., (1) Survey Nos.836 to 840 during the year 1993 and Survey Nos.848 to 867 on 10.11.2000 vide Assistant Director, Surveyand Land Records, Kadapa Ref.No.A9/193/2000 and no further sub division records are available. Even though it was already divided long back,the then Tahsildar, B.Mattam with out verifying the records proposed old SurveyNo.749 for assignment in the year 2007-08 and issued DKT pattas to (1)Perugu Tirumalaiah S/o Tirumalaiah (2)Bayanaboyina Gurrappa S/o Gurrappa, (3) Bayanaboina Nagamma W/o Gurrappa and (4) Isukala Sharmila W/o I. Ravichandra sekhar. But, no DKT files are available except DKT file of Perugu Tirumalaiah. Further, the Sub Collector detailed the matter issue wise as following.

Issue No.1:

Sri Isukaala Abraham S/o Chinna Samuel, the father-in-law of alleged DKT pattadar Smt. I. Sharmila, given his statement to the Tahsildar,

(Contd....Page.2)

B.Mattamon11.12.2017 stating that his lands and house were submerged under Telugu Ganga Proiect. No House site and employment provided to him & that he retired from service in the year 1996 as Teacher. At the time of his retirement his son I.Ravi Chandra Sekhar (husband of alleged DKT holder) was a student and later he was appointed on contract basis in Electricity Department till 2004 and later his services were regularized. Since, no employment and house sites granted to him under displacement, agriculture land was granted in the name of his son I.Ravi Chandra Sekhar and in the name of his daughter-in-law Sharmila for the lands in Sy.Nos.858/1, 864/1, 864/2 and 864/6 of Rekalakunta Village.

Further, he stated that as complained by Perugu Sudhakar and Venugopal before Lokayukta, there is no Shivalayam Temple is existing in the land. On the above complaints, the Sub Collector, Rajampet has verified the connected files and records. Sri D Kodanda Rami Reddy, the then Revenue Divisional Officer, Rajampet inspected the land and vide report dated 23.10.2018 stated that there is no any temple is existing in the Govt. land allotted to the displaced persons. After wards, in the revised report, Sri D Kodanda Rami Reddy the then RDO, Rajampet vide report dated23.01.2019 stated that 'small shiv lingam' without any temple is found in an extent of 0.02cents. At the same time, through oral submission of Tahsildar, B.Mattam before the Sub Collector, Rajampet & vide instant inspection dated17.09.2020, Deputy Tahsildar, B.Mattam with VRO reported that small deity structure as shiv lingam covered with temporary teen shade is existing on the said land. Therefore, based on above two reports of the then RDO, at this point in time, it may not be established beyond doubt whether the temple was demolished as alleged in the main complaint.

With regard to grant of assignment to Smt.Isukala Sharmila W/o I.Chandrasekhar some records are available i.e., Pattadar Pass Book vide Khata No.364 of Rekalakunta Village for Survey No.864/1 extent 1.18 acres, 864/2 extent 1.00 and Sy.No.864/6 extent 1.26 acres. Sri Isukala Ravi Chandra Sekhar S/o Abraham(husband of alleged DKT holder) working as ADE, APSPDCL, Kadapa. Therefore, as per Land Acquisition Act 1894, LARR Act 2013 or any such law of land, the said family does not come under the displaced persons. Therefore, she is not a landless poor person & does not come under BPL category. But, her father-in-law Sri Isukala Abraham is a displaced person, to whom compensation was paid besides Government land and agricultur epurpose. Based on above facts, the thenT ahsildar, B.Mattam issued notices Smt. I. Sharmila and her husband to offer their explanation on the complaints/allegations raised against them before the Hon'ble Lokayukta, Hyderabad. In the meantime, Smt.Sharmila has filed a Civil Suit in O.S.No.121/2016 in I.A.No.286/2016 against Perugu Veeraiah, Bainaboina Pedda Narayana, Perugu Nagesh and obtained temporary injunction. TheTahsildar, B.Mattam addressed the Assistant Govt.Pleader vide letter dated16.06.2020 with arequest to make Government as party to the case through impleading & the matter is still sub-judice before the competent court.

ISSUE No.2:

With regard to assignment granted to (1) Bayanaboina Gurrappa S/o Gurrappa, (2) Smt. Bayanaboina Nagamma and (3) Peruru Thirumalaiagh S/o Tirumalaiah, it is observed that the above three members names were entered in the Assignment Committee Register for 2007-2008 at Sl.No.486, 449 and 2887 respectively and approved. On verification of the office records available, the DKT file issued in favour of Sri Perugu Tirumalaiah S/o Tirumalaiah vide DKT No.2887/1447 for survey No.865/3 (in Sub Division No. correction was found, probably as an afterthought), 865/8, 865/9 extent 1.44, 1.42 and 1.43 respectively. His name is also noted in the Assignment Committee Register at Sl.No.2887 but for different Survey Nos. DKT file i.e 865/1, 2, 3 vide extent 1.44, 1.42 and 1.43 respectively. The same is added

(Contd....Page.3)

with side-note i.e. "Reported, but DKT cancelled", which appears to be an afterthought action & not supported by any proceedings. Cancellation orders are also not available in the office. On field verification by the Tahsildar, B.Mattam of the land in Sy.No. extent 1.44, 1.42 and 1.42 are under possession of Perugu Tirumalaiah. As per the above, the following differences were noticed in Survey Nos. between Assignment Committee Register and DKT file granted to Perugu Tirumalaiah.

As per Assignment Committee Register		As per DKT file	
Survey No.	Extent	Survey No	Extent
865/1	1.44	865/7	1.44
865/2	1.42	865/8	1.42
865/3	1.43	865/9	1.43

On verification of records, the DKT files pertaining to Sri Bayanaboina Gurrappa S/o Gurrappa and Smt. Bayanaboina Nagamma W/o Gurrappa are not available, but their names were found in the Assignment Committee Register at Sl.No. 486 and 449 respectively. On verification of ROR 1-B Register of Rekalakunta Village, entries were found in the name of the above two persons who are none other than Son and Mother respectively, showing DKT pattas were granted for the following lands.

Sl. No	Name of the Assignee	Survey No.	Extent in Acs.	DKT No. & Date	I-B Khata No.
1	Bayanaboina Gurrappa S/o Gurrappa	853/5 865/7 862/9	1.37 1.42 1.50 4.29	1484/1417 Dt.22.02.2008	826
2	Smt. Bayanaboina Nagamma W/o Gurrappa	853/4 865/8 865/9	1.36 1.44 1.43 4.23	1447/1417 dt.22.02.2008	792

Further, the Sub Collector reported that it is pertinent to note that only one person is eligible for grant of DKT patta as per the provisions contemplated in G.O.Ms.No.1142 Revenue Department dated 18.6.1954. Hence, the then Tahsildar, B.Mattam issued notice dated 21.08.2018 to the 1st Assignee Sri B.Gurrappa for enquiry and he appeared before the Tahsildar, B Mattam and stated that his mother Smt. Bayanaboina Nagamma was granted DKT patta for the Survey Nos. 853/4, 865/8 and 865/9 extent 1.36, 1.44 and 1.43 acres. He also made allegations against Sri Perupu Tirumalaiah that he was granted assignment to an extent of 4.68 acres and occupied another 7.00 acres of Government land. In the instant case, Sri B Gurrapa filed a suit in O.S.No.148/2015 in the Court of Junior Civil Judge, Badvel against Perugu Tirumalaiah and obtained temporary injection orders in IA No.389/2015 dated 28.12.2015. The Tahsildar, B.Mattam is also a party in the case & the matter is still sub-judice before the competent court.

Issue No.3:

With regard to the allegations on grant of DKT pattas for the buffer land situated adjacent to the Forest land on grant of assignment to Bayanaboina Subbarayudu S/o Narasimhulu, the connected records have been verified and noticed that no DKT patta was granted as reported by the Tahsildar vide report dated 15.10.2018.

Based on the above facts & circumstances, the Sub-Collector, Raajmpet has observed that:-

1. The OS Nos.121/2016 & 148/2015 are still pending in the court of Hon'ble Junior Civil Judge, Badvel and is subjected to aforesaid outcomes of court judgments.

(Contd....Page.4)

6487891/2022/TAPPAL-REV01

2. In issue No.1, the said ADE, APSPDCL is alleged beneficiary of DKT patta based on wrong eligibility & wrongdoer for public resources. The departmental enquiry may be instituted against the incumbent leading to disciplinary actions as per due process of law.

3. As reported by the then RDO Rajampet, inquiry may be initiated against Sri K.V. Sivaramaiah, the then Tahsildar, B.Mattam presently working as Tahsildar, Mylavaram for granting assignment irregularly to the ineligible persons without verifying the eligibility & without following due process of law.

Further, the Collector, YSR Kadapa has submitted that Sri K.V.Sivaramiah, formerly Tahsildar, B.Matttam Mandal who retired on 31.03.2021 has granted assignments and issued DKT pattas to the ineligible persons irregularly as per his whims and fancies, without following due procedure, without verifying the eligibility and without verifying the Revenue Records for his pecuniary gains, which is unbecoming on the part of the officer and requested to initiate disciplinary action against Sri K.V.Sivaramaiah, former Tahsildar, B.Mattam (now retired). Hence, the Charge.

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II!

List of documents by which the article of charge framed against Sri K.V.Sivaramaiah, former Tahsildar, B.Mattam Mandal, (Retd) are proposed to be sustained.

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1. Hon'ble Institution of Lokayukta Lr.Dis.No.1598/2017/B1/LOK/4938/2017 Dated 23.06.2017.
2. Revenue Divisional Officer, Rajampet Ref.No.LRDT/1339/2017 Dated 23.10.2018.
3. Revenue Divisional Officer, Rajampet Ref.No.LRDT/1339/2017 Dated 23.01.2019
4. Sub Collector, Rajampet Ref.No. LRDT/1339/2017 Dated 18.09.2020.
5. U.O.Note of Superintendent, E-Section, Collectorate, Kadapa Ref.No.E3/1237/2017 Dated 20.09.2020.

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-IV

List of documents by which the article of charge framed against Sri K.V.Sivaramaiah, formerly Tahsildar, B.Mattam Mandal, YSR District (Retd) are proposed to be sustained.

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-Nil-

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

//FORWARDED::BY ORDER//

SECTION OFFICER